

**WELLS FARGO BANK'S MOTION TO RESCHEDULE PRETRIAL
CONFERENCE**

Plaintiff-Counterclaim Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), through its attorneys Belcher & Boomgaarden LLP, respectfully requests that the Court reschedule the pretrial conference currently set for February 7, 2013. A continuance is needed because counsel for Wells Fargo has a pre-existing conflict; e.g. a pretrial scheduling conference in the United States Bankruptcy Court, Case No. 12-20094, is scheduled for the same day and time as that scheduled in this case.

In addition, Wells Fargo has not yet answered the Defendant-Counterclaimants’ counterclaims pursuant to the Court’s Order entered November 19, 2012 (Docket # 15), pending entry of the Court’s order on Wells Fargo’s motion to dismiss the Defendants’ Fraud Counterclaim. After Wells Fargo filed its motion to dismiss the Defendants’ Fraud Counterclaim, the Defendants filed an Amended Answer and Counterclaims as authorized by the Court (Docket # 19).

Wells Fargo submits that until Wells Fargo answers the Defendants’ counterclaims and raises any affirmative defenses, the parties are unable to determine the discovery required and submit the Joint Report of Meeting, and Joint Discovery and Case Management Plan required prior to the Scheduling Conference.

Counsel for Wells Fargo has conferred with counsel for the Defendants regarding this Motion, and counsel for the Defendants concurs that the parties cannot meaningfully hold a conference to discuss discovery and a case management plan until the Court has ruled on Wells Fargo’s motion to dismiss the Fraud Counterclaim, Wells

Fargo answers the remaining claims, and Wells Fargo's affirmative defenses have been identified.

For the foregoing reasons, Wells Fargo respectfully requests that the Court reschedule the pretrial conference to a time after the pleadings in this case are complete.

DATED this 23rd day of January, 2013.

/s/
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ATTORNEYS FOR WELLS FARGO BANK, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of WELLS FARGO BANK'S MOTION TO RESCHEDULE PRETRIAL CONFERENCE was served on Defendants at the time it was filed, by the Court's CM/ECF electronic email system to the following:

Michael D. Greear
David Clark
Worrall & Greear, P.C.
Attorneys for Defendants

/s/ _____
James R. Belcher